

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER REGARDING JURY SELECTION PROCEDURES

January 5, 2015

O'TOOLE, D.J.

It is hereby ORDERED that:

1. On January 5, 2015, at 9:00 a.m., the first group of approximately 200 prospective jurors ("Panel A") will gather in the Jury Assembly Room. The group will be sworn, introduced to the parties and the Court, and receive preliminary instructions from the Court. Each prospective juror will then be asked to complete a written questionnaire. The Jury Administrator, or his delegate, shall collect the completed questionnaires. After each juror completes his or her questionnaire, he or she may be excused with instructions to return on or after January 15, as instructed via a call-in number for the juror information line.
2. On January 5, 2015, at 1:00 p.m., the second group of approximately 200 prospective jurors ("Panel B") will gather in the Jury Assembly Room. The procedures described in Paragraph 1 of this Order will be followed for Panel B. The process will be repeated on January 6 and January 7 with additional groups of approximately 200 prospective jurors

(Panels C, D, E, and F), with the goal of obtaining completed questionnaires from approximately 1200 potential jurors over the course of three days.

3. Each evening, the Jury Administrator, or his delegate, will digitally scan that day's completed questionnaires and provide copies via compact disc to the parties as soon as practicable. A representative of each party shall sign an Acknowledgement of Receipt for each compact disc received.
4. The parties shall confer, and jointly file under seal on or before 12:00 p.m. on January 12, 2015, a report stating which of the prospective jurors from Panels A and B the parties agree should be excused for cause. If the basis for the proposed excusal is not an answer on the questionnaire, the parties shall state the basis. Analogous reports for prospective jurors in Panels C and D, and Panels E and F, are due on or before 12:00 p.m. on January 13 and January 14, 2015, respectively.
5. On or before 12:00 p.m. on January 12, 2015, the parties shall separately file under seal a report suggesting specific follow-up issues or questions to be pursued in the course of individual voir dire of prospective jurors from Panels A and B. The parties shall provide the juror's number and the number(s) of the particular answer(s) for which the party seeks further information. The parties may also provide reasons for the requests for further inquiry. Analogous reports for prospective jurors in Panels C and D, and Panels E and F, are due on or before 12:00 p.m. on January 13 and January 14, 2015, respectively.
6. Beginning as soon as practicable, but not before January 15, 2015, the Jury Administrator shall call in by juror number, retaining the order established by jury numbers, 20 prospective jurors in the morning and 20 prospective jurors in the afternoon from Panels A and B. The first 20 jurors shall report to Courtroom 6 at 9:00 a.m., while the second 20

jurors shall report to Courtroom 6 at 1:00 p.m. The Court will provide preliminary instructions and question prospective jurors in each group regarding their adherence to the Court's instructions prohibiting case-related communications and media exposure.

7. The Court will then question prospective jurors individually in Courtroom 9. The Court anticipates conducting individual voir dire itself, but may permit limited follow-up questions by counsel as may be appropriate. After each juror has been questioned and returns to Courtroom 6, either party may move to strike the juror for cause.
8. The process will continue day to day, and proceed through Panels C, D, E, and F as necessary, until sufficient potential jurors have been qualified to proceed to the parties' exercise of peremptory challenges to ultimately empanel a jury of 12 and 6 alternates.

/s/ George A. O'Toole, Jr.
United States District Judge